

REMARKS

This Amendment is intended to be fully responsive to the outstanding Office Action. Reconsideration of the outstanding Office Action is respectfully requested.

Personal Interview

On May 12, 2004 a personal interview was conducted at the U.S. Patent Office with Examiner Reis and Supervisory Examiner Gutierrez. Applicant's representative is appreciative of the courtesies extended by the Examiners during the interview.

During the interview, the application of the German reference Bayerische in the outstanding Office Action was discussed, including the explicit teachings in Bayerische that the disclosed fitting "does not adjust to the curve of the winding" (Translation of Bayerische, col. 2, last four lines). In the interview, as mentioned in the Interview Summary, it was discussed how Bayerische discloses a fitting that is flat and forming the Bayerische fitting in a concavo-convex configuration with a longitudinal curve is beyond the design intended by Bayerische. Further, as mentioned in the Interview Summary, the discussion included how the longitudinally curved portion recited in the claims is separate from the concavo-convex configuration and that the longitudinally curved portion has nothing to do with preventing "drooping" as alleged in the Office Action. The shortcomings of the Choi reference and the inability of the fitting of Bayerische to wrap around the reel were also discussed. Additionally, with respect to claim 25 and as mentioned in the Interview Summary, it was agreed upon that language in claim 25 that included the curved portion extended along a portion of the circumference of the blade that has been wrapped around the reel appeared to overcome the outstanding rejections. An new objection to the drawings submitted with the January 7, 2004 RCE Submission was also discussed.

Drawings

The February 26, 2004 Office Action neither accepts nor objects to the substitute sheets of drawings filed on January 7, 2004 as part of the RCE Submission.

However, as discussed in the May 12, 2004 personal interview, the substitute sheets of drawings were evidently objected to by the Examiner due to reference numbers 314 and 318 causing confusion. As it was explained to the Examiner during the interview, Fig. 4 is a cross-sectional figure that includes a cross-section of the concavo-convex blade 16. Since the blade 16 adjacent to the U-shaped hook portion 152 is still in a concavo-convex configuration within the housing, Fig. 4 necessarily shows *half* of the concavo-convex configuration. Accordingly, the bottom 316 of the blade is shown as dashed since it illustrates the part of the blade that has effectively been “cut” by the cross-section. The reference number 314 is the side edge of the blade that has not been removed by the cross-section. Reference number 318 denotes the longitudinally curved portion and its respective lead line points to the longitudinally curved side edge 314 of the blade 16 that remains in the drawings, and which is longitudinally curved.

These drawings are accurate. If a blade that is concavo-convex in the transverse direction is shown in longitudinal cross-section, one lateral side of the blade 16 is removed while one lateral side of the blade remains (side edge 314). In Fig. 4, since the “cut” of the cross-section is at the bottom 316 of the blade, the side edge 314 is not shown as dashed, but is shown as illustrated in Fig. 4.

Outstanding Rejections

Applicant respectfully traverses the outstanding rejections in the July 9, 2003 Final Office Action, but the above amendments have been made to expedite prosecution of the subject application while the applicant reserves the right to refile the previously rejected claims in subsequent continuation applications claiming priority to the above-identified application. By the amendments above, claims 4, 22, 24, 25, 29, and 30 have been amended to correct the typographical error of replacing “housing” with – having --. Additionally, claims 4 and 29 have been amended to remove “a portion of said blade having said film on said portion,” which appeared redundant. Further, claims 4, 25 and 30 have been further amended. The remaining claims are unamended and remain in their previous state. New claim 33 has been added.

Claim Rejections – 35 USC § 103

In paragraph 2 of the Office Action, claims 22, 24, 25, and 29-32 are rejected as being unpatentable over Jones et al. in view of Bayerische and Choi. This rejection is respectfully traversed.

Each of independent claims 22, 24, 25, 29 and 30 recite a blade having a concavo-convex configuration. Additionally, each of independent claims 22, 24, 25, 29 and 30 recite that either the portion of the blade having the film of plastic material is curved in a longitudinal direction or that the film of plastic material is curved along a longitudinal direction.

The curving of the blade 16 and the film 158 in the longitudinal direction is illustrated in Fig. 4 of the instant application. The longitudinal curving of the blade 16 is illustrated at reference number 310 and the longitudinal curved portion of the film 158 is illustrated at reference number 318. The transverse, concavo-convex configuration of the blade 16 is illustrated, for example, in Figs. 7 and 11 of the instant application.

The Office Action states that Jones discloses a longitudinally curved portion when the blade is retracted as illustrated as ϵ (page 4 of the Office Action). However, any combination of references that results in the fitting 9 of Bayerische being provided such that it is curved in the longitudinal direction goes against the explicit disclosure of Bayerische, since Bayerische explicitly states that the fitting 9 must be flat. In particular, Bayerische states “[i]t must be taken into consideration that such fitting, even if it consists of flexible material, **does not adjust to the curve of the winding** formed in the frame.” (Translation of Bayerische, Col. 2, last 5 lines, emphasis added.)

Therefore, any combination of prior art references that results in the fitting 9 of Bayerische being curved is improper since it is in direct conflict with the teachings of Bayerische.

On page 4 of the Office Action, a motivational statement is provided which states that

[I]t would have been obvious to one of ordinary skill in the art...to pre-form the blade disclosed by Jones et al and to pre-form and mold the film disclosed by Bayerische in a manner taught by Choi since a measuring tape...having a longitudinally curved portion along a longitudinal direction of said blade is well known in the art to keep the blade straight and prevent drooping when extended.

(Office Action, page 4.)

As stated in the May 12, 2004 personal interview, the a tape blade having a longitudinally curved portion does not affect drooping and maintaining the straightness of the blade.

On page 10, the Office Action states that additional motivation for combining Jones and Bayerische is that “the fitting disclosed by Bayerische in fact is designed to reduces [sic] all stresses encountered, including any banding [sic] alternating stresses.” However, the manner in which Bayerische reduces stresses in the fitting is achieved by maintaining the fitting 9 in a straight and flat configuration, without any curvature. As stated above, Bayerische discloses a fitting that does not curve and that the length of the fitting is “tangent” to the winding. (Translation of Bayerische, col. 4, penultimate paragraph.) Thus, the motivation relied upon in the Office Action for combining Bayerische with other prior art references is further improper.

Claims 25 and 30 further recite that the film extends “on said free end portion of said blade to a position on said portion of said blade that has been wrapped around said reel such that said film extends along a section of the circumference of said blade that has been wrapped around said reel.” Claims 25 and 30 were amended to include the language “such that said film extends along a section of the circumference of said blade that has been wrapped around said reel.” This amendment was discussed at the May 13, 2004 personal interview as being language that distinguished the claims from the prior art references.

Page 3 the Office Action states that Bayerische discloses “the film just extending on said free end portion of said portion to a position of said blade that has been wrapped around said reel.” The Office Action illustrates the “wrapped” portion as β . However, as set forth above, Bayerische states that the fitting “does not adjust to the curve of the winding” (Translation of Bayerische, col. 2, last five lines) and that

the fitting length x is a “tangent” to the winding (Translation of Bayerische, col. 4, penultimate paragraph). Thus, contending, as the Office Action does, that the fitting 9 of Bayerische is “wrapped around” the reel is equivalent to holding that a tangent wraps around a circle, which it does not. The interpretation of Bayerische in the Office Action is thus inaccurate and results in improper rejections.

Page 10 of the Office Action states that “a small increment of said free end of said fitting is a part of the portion of said blade that has been wrapped around said reel...even though it does not extend into the winding.” This position in the Office Action is contradictory as it appears impossible for an increment of the fitting to be wrapped around the reel while not actually extending into the winding. If the fitting does not extend into the winding and merely touches the winding as a tangent does, the fitting can not be “wrapped around” the winding. The reasoning in the Office Action equates to contending that a single point can be “wrapped around” the circumference of a circle. Again, the interpretation of Bayerische is inaccurate and results in improper rejections.

Nonetheless, in order to expedite prosecution, claims 25 and 30 have been amended to further recite that “said film extends along a section of the circumference of said blade that has been wrapped around said reel.” This language was discussed during the May 13, 2004 personal interview and was believed to distinguish the claims from the prior art. Clearly, no interpretation of the fitting of Bayerische would permit it to extend along a section of the circumference of the blade that has been wrapped around the reel. Further, any manipulation of the fitting 9 of Bayerische that resulted in the fitting 9 extending along a section of the circumference of the blade that was wrapped around the reel would run squarely against the disclosure of Bayerische, which states that the fitting “does not adjust to the curve of the winding.” (Translation of Bayerische, col. 2, last five lines.)

For the reasons stated above, the outstanding rejections are improper and their withdrawal is respectfully requested.

In paragraph 3 of the Office Action, claims 4-14, 17-21, 23 and 26-28 are rejected as being unpatentable over Jones et al. in view of Bayerische and Choi as

applied above and further in view of Bradshaw. This rejection is respectfully traversed.

Independent claim 4 has been amended to recite “said portion of said blade having said film being curved in a longitudinal direction of said blade.” Thus, the same arguments presented above with respect to, for example, claim 24 regarding the film being curved in the longitudinal direction apply equally to claim 4.

Therefore, for the reasons stated above, it is respectfully requested that the rejections to claim 4 be withdrawn.

It is respectfully requested that the rejections for all of the dependent claims in the application be withdrawn at least for the reasons set forth above with respect to the various, respective independent claims.

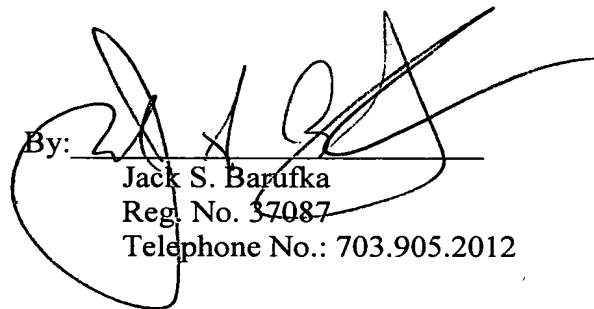
New Claim

New claim 33 is added and is allowable over the prior art of record.

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In view of the foregoing, all claims are believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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Attachment: Two Replacement Sheets (Fig. 4 and Fig. 5).